

Appl. No. 10/785,467
Atty. Docket No. CM2599C
Amdt. dated March 6, 2006
Reply to Office Action of December 7, 2005
Customer No. 27752

REMARKS

Claim Status

Claims 4, 5, 7, 9, 10, and 12 are pending in the present application. No additional claims fee is believed to be due.

Claims 2 and 6 are canceled without prejudice.

Claim 4 is amended to place Claim 4 in independent form by inserting the language of canceled Claim 2 and deleting the words "according to Claim 2" following the word "composition." Claim 4 is further amended by deleting the word "silica" following the word "either." Claim 4 is further amended by deleting the punctuation and words ", and/" following the words "either zeolite-based material."

Claim 5 is amended to make Claim 5 dependent upon Claim 4. Claim 5 is further amended by deleting the words "a first odor absorbing agent selected from the group consisting of zeolite-based material, silica material," following the words "of (a)." Claim 5 is further amended by deleting the words ", and carbon-based odor absorbing material," following the words "derivative thereof." Claim 5 is further amended by deleting the words ", silica material, uncomplexed cyclodextrin and derivative thereof," following the words "zeolite-based material." Claim 5 is further amended by deleting the words ", provided (a) and (b) belong to two different chemical classes of odor absorbing agents, preferably" following the words "carbon-based odor absorbing material."

Claims 7, 9, and 10 are amended to be dependent upon Claim 4.

These changes do not involve any introduction of new matter because the changes only involve removing previously claimed subject matter.

Rejection Under 35 U.S.C. § 102(b) Over Yajima (U.S. Patent No. 4,267,166)

Claims 2, 4, 5, 7, 9, and 10 were rejected under 35 U.S.C. § 102(b) as being anticipated by Yajima (U.S. Patent No. 4,267,166). Claim 2 is canceled. Claim 4 is amended to be in independent form. Claim 4 is further amended by deleting the word "silica" following the word "either." Claim 4, as amended, is patentable over Yajima. Yajima teaches cyclodextrin in a chewable product. Yajima fails to teach a chewable product comprising cyclodextrin or derivative thereof together with either zeolite-based material or carbon-based odor absorbing agent or a mixture of zeolite-based material

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together with silica and/or carbon-based material. Therefore, Claim 4, as amended, is patentable over Yajima under 35 U.S.C. § 102(b). The Applicants respectfully request that the rejection of Claim 4 under 35 U.S.C. § 102(b) over Yajima be withdrawn.

Claims 5, 7, 9, and 10 depend on Claim 4. Because Claim 4 is patentable over Yajima, Claims 5, 7, 9, and 10, which depend upon Claim 4, are also patentable over Yajima. The Applicants respectfully request that the rejection of Claims 5, 7, 9, 10 under 35 U.S.C. § 102(b) over Yajima be withdrawn.

Rejection Under 35 U.S.C. § 103(a) Over Yajima (U.S. Patent No. 4,267,166) in view of Ning et al. (U.S. Publication No. 2003/0049303A1)

Claims 2, 4-7, 9, 10, and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yajima in view of Ning et al. Claim 2 is canceled. Claim 4 is amended to be in independent form. Claim 4 is further amended by deleting the word "silica" following the word "either." Claim 4, as amended, is patentable over Yajima in view of Ning et al. Yajima teaches cyclodextrin in a chewable product. Ning teaches cyclodextrin and silica shell in a chewable product. Ning does not teach or suggest a zeolite-based material or carbon-based odor absorbing agent or a mixture of zeolite-based material together with silica and/or carbon-based material as an odor absorbing agent in a chewable product. Therefore, Claim 4, as amended, is patentable over Yajima in view of Ning et al. under 35 U.S.C. 103(a). The Applicants respectfully request that rejection of Claim 4 under 35 U.S.C. § 103(a) over Yajima in view of Ning et al. be withdrawn.

Claims 5, 7, 9, 10, and 12 depend on Claim 4. Because Claim 4 is patentable over Yajima in view of Ning et al., Claims 5, 7, 9, 10, and 12, which depend upon Claim 4, are also patentable over Yajima in view of Ning et al. The Applicants respectfully request that the rejection of Claims 5, 7, 9, 10, and 12 under 35 U.S.C. § 103(a) over Yajima in view of Ning et al. be withdrawn.

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Conclusion


In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejections under 35 U.S.C. §§ 102(b) and 103(a). Early and favorable action in the case is respectfully requested.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 4, 5, 7, 9, 10, and 12 are respectfully requested.

Respectfully submitted,

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By


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Date: March 6, 2006
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